

Appl. No. 10/829,482
Docket No. 8796E
Amdt. dated August 30, 2007
Reply to Office Action mailed on April 30, 2007
Customer No. 27752

REMARKS

Claim Status

Claims 1 - 48 are pending in the present application. No additional claims fee is believed to be due.

Independent claims 17, 21, 27, 33, 41 and 47 have been amended to correct a typographical error and now include the features of first and second waist regions are more than about 10% elastomeric or extensible under a load of about 20 grams force/centimeter or greater. Support for the amendment can be found at column 13, lines 26-30 of U.S. Patent No. 6,648,866B2.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Oath/Declaration

The Office Action indicates that the declaration dated April 24, 2004 is defective because it refers to information "material to examination" as opposed to information "material to patentability." Applicants submit that a new declaration with the proper language is submitted herewith, therefore overcoming the objection. Reconsideration and withdrawal of the objection are therefore respectfully requested.

Rejection Under 35 USC §251

The Office Action indicates that claim 20 is rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The claim purportedly is directed to subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. The Office Action adds that "[c]laim 20 omits the limitation of originally issued claim 12 calling for the 'release tab to tab bond' to be between the first tab 'outer surface' and the second tab

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'inner surface.' There is not sufficient support in application No. 09/994,191 as originally filed for this limitation."

Applicants respectfully disagree and traverse the rejection in view of the following remarks. Application serial No. 09/994,191 as originally filed clearly discloses that:

"A releasable tab to tab bond 81 is designed to act between the first tab 51 and the second tab 61. **The releasable tab to tab bond 81 may be located anywhere on the first tab 51, the second tab 61, or both.** As shown in Figure 3, the releasable tab to tab bond 81 is located on the second tab inner surface 62 and first tab outer surface 53. Alternatively, at least a portion of the releasable tab to tab bond 81 may be on the first tab outer surface 53, the second tab fastening element 64, or both. The releasable tab to tab bond 81 may be created by adhesives, cohesives, hook materials, loop materials, snaps, buttons, tabs, slots, magnets and combinations thereof as are known to those skilled in the art. The tab to tab bond 81 may also be a mechanical bond such as bonds created by ultrasonic, pressure, or thermal energy. The releasable tab to tab bond 81 may have any shape such as a circle, square, rectangle, or triangle." (Emphasis added). (See Col. 9, lines 1-16 of U.S. Patent No. 6,648,866B2).

Applicants submit that since the written description of Application serial No. 09/994,191 as filed clearly discloses that the "tab to tab bond may be located anywhere on the first tab 51, the second tab 61, or both," it does reasonably convey to one of ordinary skill in the relevant art that the inventors were in possession of the invention claimed in claim 20 at the time the application was filed. Reconsideration and withdrawal of the rejection are therefore respectfully requested.

The Office Action also indicates that independent claims 21, 27, 33, 41 and 47 are rejected because they recite "more than 10% elastomeric or extendible under a load of 80 grams force/centimeter or greater" while the specification of Application serial No. 09/994,191 provides support for 20 grams force/centimeter or greater at page 17, lines 16 and 17. Applicants submit that independent claims 21, 27, 33, 41 and 47 have been amended to correct this typographical error. Applicants also submit that for the sake of consistency, independent claim 17 has also been amended to correct the same

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typographical error. In view of the amendments, reconsideration and withdrawal of the rejections of claims 21, 27, 33, 41 and 47 are therefore respectfully requested.

Conclusion

This response represents an earnest effort to place the present application in proper form for allowance. In view of the foregoing, entry of the amendment(s) presented herein, reconsideration of this application, and allowance of the pending claim(s) are respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By


Signature

Thibault Fayette

Typed or Printed Name

Registration No. 56,143

(513) 634-7758

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